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Journal - Office of Legislative Counsel
Friday - 3 December 1971

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3. (Confidential - JMM) Discussed our problem with the Ervin bill (S. 1438) with Mr. Darrel St. Claire, Chief Clerk, Office of the Secretary of the Senate, who advised strongly against our trying to get the matter raised on the floor if we were unsuccessful in Committee. He said Senator Thurmond could probably get the matter reconsidered in the Judiciary Committee if he wished but warned that it would be hard to get anyone else to challenge Senator Ervin head-on in a matter in which Ervin is so deeply committed.

4. (Confidential - JMM) Discussed the above problem with Ed Braswell, Chief Counsel, Senate Armed Services Committee, who said that probably Senator Stennis would be willing to call Senator Ervin in our behalf if pressed, but the Senator was so preoccupied with a number of urgent matters that he hoped we wouldn't call on him unless we thought it essential.

5. (Confidential - JMM) Intercepted Senator Strom Thurmond on his way from his office to the floor and had a hurried conversation with him about the Ervin bill. He said we should put our case in writing and give it to Mr. Wyman of his staff the first of the week.

6. (Confidential - JGO) Talked to Mr. Victor Smiroldo, Counsel, House Post Office and Civil Service Committee, and told him that the Senate Committee on the Judiciary has ordered S. 1438, the Ervin bill, reported. The bill hasn't been reported to the Senate as yet. I told him we had been in contact with the Committee staff and with the Chairman and other members of the Committee. We have been successful, we believe, in having the language in the Committee report deleted which stated, in effect, that the Committee amendments met with the approval of this Agency. This results from the fact that our Director's letter of 21 May 1971 may not have been considered when the bill came up before the Committee for consideration last month. It is Mr. Smiroldo's opinion that we are lucky if we have achieved an amendment to the report which would be favorable to our position. He said that in his years in dealing with these people, he has found them most difficult. He does not feel that we need go any farther with the Senate Committee unless we have other problems. He will bring Mr. Martiny, Chief Counsel of the Committee, up-to-date when he returns to the city on Monday.

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